

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

AMINU UNUWA,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-21-440-C
)	
LONNIE LAWSON, Warden,)	
)	
Respondent.)	

ORDER

Petitioner, a state prisoner appearing pro se, has filed a “Notice of Intent to Appeal” (Dkt. No. 20), which will be construed as an Application for Certificate of Appealability. Therein Petitioner notes his intent to seek review of the Court’s denial of his Petition for Writ of Habeas Corpus. Because Petitioner is a state prisoner, 28 U.S.C. § 2253(c)(1)(A) requires that a Certificate of Appealability (“COA”) be granted prior to consideration of his claims by the appellate court. See Montez v. McKinna, 208 F.3d 862, 869 (10th Cir. 2000) (holding that § 2253(c)(1)(A) requires a state prisoner to obtain a COA regardless of whether he is seeking relief under § 2254 or under § 2241). A petitioner is entitled to a COA only upon making a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). Petitioner can make such a showing by demonstrating that the issues he seeks to raise are deserving of further proceedings, debatable among jurists of reason, or subject to different resolution on appeal. See Slack v. McDaniel, 529 U.S. 473, 484 (2000) (“[W]e give the language found in § 2253(c) the meaning ascribed it in Barefoot [v. Estelle], 463 U.S. 880, 893 (1983)], with due note for the substitution of the word

‘constitutional.’”). “Where a district court has rejected the constitutional claims on the merits, . . . [t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Id. Here, Petitioner has not made this requisite showing. As Judge Purcell noted in the Report and Recommendation, Petitioner’s claims lack any merit. Accordingly, the Notice of Appeal, construed as an Application for Certificate of Appealability, will be denied.

For the reasons stated herein, the Court finds Petitioner has failed to demonstrate he is entitled to a COA. Accordingly, his Notice of Appeal (Dkt. No. 20), which is construed as an Application for Certificate of Appealability, is DENIED.

IT IS SO ORDERED this 30th day of September 2021.


ROBIN J. CAUTHRON
United States District Judge